

1907-000 Chancery Causes: Adm. of Mary Barker vs. William Tharp &  
Lee Co.

Ball, Mary, Richmond, Kemp, Noel

-Deed

CA-Contract Dispute  
T-Property  
Women



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:-

Humbly complaining, your orator P. M. Ball, administrator of the estate of Mary Barker, deceased, would respectfully represent and show unto the court, that on or about the 4th day of May, 1893, the said Mary, Barker, now deceased, in her life time, conveyed a certain strip or parcel of land situated and being in Lee County, Virginia, in the Wallen's Creek Country, on the waters of Dry Creek, to one Wm. Tharp, in consideration of the sum of one dollar (\$1.00) in hand paid, and the further consideration that the said Wm. Tharp would support the said Mary Barker so long as she should live, a certified copy of which said deed is herewith filed as a part hereof marked "A", and which said deed is of record in the Clerk's office of Lee County, Virginia, in deed book 29 page 239. On the very same day and year the said Wm. Tharp and his wife conveyed the said strip of land to one L. Turner Maury, for and in consideration of the sum of Four Hundred Dollars (\$400.00) cash in hand paid, a copy of which said deed is herewith also filed as a part hereof, marked "B"; that, while the first named deed aforesaid does not on its face retain a lien upon said tract of land for the said support of the said Mary Barker during her life time, yet, your orator is advised and avers that that being a part of the consideration for said tract of land and the conveyance being upon the consideration of the support and maintenance of Mary Barker during her life; that that recital in said deed in law constituted a lien upon said tract of land for said support and maintenance, of which the purchaser, L. Turner Maury was bound to take notice in law, and that he, the said L. Turner Maury, or any assignee of him can not now claim to be an innocent purchaser of said tract of land.

Your orator will further show unto your honor, that from the time of the execution of the deed first aforesaid to the said Wm. Tharp, to-wit, on the 4th day of May, 1893, up to the time of her death, which occurred in the year 1904, or in the early part of



1905, the said Mary Barker was a pensioner of the Government of the United States of America, and as such pensioner she drew at least <sup>besides \$</sup> \$12.00 per month during each and every month of said time; <sup>she drew at the beginning of her pension</sup> that all or practically all of said pension money was taken possession of and used by the said Wm. Tharp for his own benefit; that at the time of the execution and delivery of the deed first aforesaid and from that time up to her death, the said Mary Barker was a very old woman, feeble in body and mind and in fact was ~~mentally~~ a lunatic, and incompetant and incapable in law of making a deed, or of transacting any business legally; that, at the time that said first deed was made up to the time of her death, the said Wm. Tharp knew of the weak and feeble condition of ~~her~~ <sup>ok</sup> mind of the said Mary Barker, and that he fraudulently to <sup>ok</sup> advantage of her feeble and incompetant condition and enticed her to make to him the said deed first aforesaid, and to allow him to take charge of and use the pension money aforesaid.

Your orator will now further show unto your honor that instead of the said Wm. Tharp supporting and maintaining the said Mary Barker during her life time, that in reality, the said Wm. Tharp received maintainance largely from the pension money belonging to the said Mary Barker; and long before her death abandoned and deserted her, the said Mary Barker, and left her to live upon her own resources and the charity of her friends and neighbors; and also appropriated to his own use and purpose the \$400.00 received from L. Turner Maury for the aforesaid tract of land.

That on the 23rd, day of January, 1904, one, Joseph H. Brewer and Mattie Brewer, his wife conveyed unto Wm. Tharp and Sarah Tharp, his wife, in consideration of the sum of \$250.00 a certain small tract or parcel of land situated and being near the town of Dryden Lee County, Virginia, and described and bounded as follows, to-wit:- Beginning at a stake at the Northwest corner of R. T. Williamson's line, and on the east line of the town plat, or out lay for the town of Dryden, Lee County, Virginia; thence, running



northwardly with said line or town plat for a distance of 235 feet to a stake in a pond of water, and on said town plat line; thence, eastwardly parallel with the Louisville & Nashville Railroad, and also parallel with the south line of Charlie Warholm's land for a distance of 170 feet to a stake; thence, southwardly at a right angle with the said railroad and said Warholm's line for a distance of 235 feet to a stake on R. T. Williamson's north line; thence, with said Williamson's line for a distance of 170 feet to the beginning, and which last mentioned deed is of record in the Clerk's Office of Lee County, Virginia in deed book 42 page 39, and a certified copy of which deed is herewith filed as a part hereof marked "a"; that the last mentioned tract or parcel of land is still owned by the said Wm. Tharp and Sarah Tharp, and was purchased as your orator is informed and believes with <sup>a</sup> portion of the money received by the said Wm. Tharp from the pension money belonging to the said Mary Barker, now deceased, and the proceeds of the sale of the tract of land herein first aforesaid.

Your orator will now show unto your honor that the said Wm. Tharp and Sarah <sup>Tharp are not</sup> residents of the State of Virginia, and the premises considered, your orator is advised and avers that he is entitled to have the deed first aforesaid annulled and set aside, or at least to have the <sup>land</sup> said sold and a sufficient <sup>of</sup> of the proceeds thereof applied to the estate of the said Mary Barker, deceased, that is, enough of the said proceeds at least to have maintained and supported the said Mary Barker in a manner suitable to her age and condition in life from the time of the execution of said deed up to the date of her death; and that he is entitled to judgment against the said Wm. Tharp for the amount of the pension money that he has received and appropriated to his own use belonging to the said Mary Barker, and that he is entitled to have the last mentioned <sup>lat</sup> ~~strip~~ or parcel of land situated at or near Dryden, Lee County, Virginia, attached for the amount due your orator as the administrator of the said Mary Barker, deceased.



The prayer, therefore, of your orator is, that the said Wm. Tharp and Sarah Tharp, and L. Turner Maury be made parties defendant to this bill and be required to answer the same, but they need not answer under oath that being waived. That the estate of the said Wm. Tharp and Sarah Tharp in Lee County, Virginia, and particularly the tract of land last aforesaid and described be attached; that proper process be issued, all proper orders entered, and order of publication made for the said Wm. & Sarah Tharp, who are non-residents of the State of Virginia, and that upon a hearing hereof that the deed from Mary Barker to the said Wm. Tharp of May 4th, 1893 be set aside and annulled; also, the deed from Wm. Tharp to the said L. Turner Maury be also annulled and set aside, and that the said tract of land first mentioned in this bill be decreed to be sold, and that a sum sufficient to have supported the said Mary Barker during her life time from the 4th day of May, 1893 from the proceeds of said sale, be paid your orator, which your orator alleges to be at least \$1000.00, and that your orator also recover judgment against the said Wm. Tharp for the amount of the pension money that he has appropriated to his own use and benefit belonging to the said estate of the said Mary Barker, which your orator alleges is at least \$100<sup>00</sup>.00, and that unless the said sum of \$100<sup>00</sup>.00 and the sum of \$1000.00 aforesaid be paid, that the said tract or parcel of land mentioned and described in exhibit "C" be also sold and the proceeds be applied to the payment of your orator's said claims, and that Frank Tharp, Samuel Tharp, who are the heirs at law of the said Mary Barker be also made parties defendants to this bill and required to answer the same but not on oath that being waived; and that all such other, further and general relief be granted your orator as in the premises may be just and equitable, and he will ever pray &c.

*Chas. S. Noel, Jr.*



Virginia, Lee County, to-wit:-

I, A. O. Brown, a Notary public in and for the County and State aforesaid, do certify that J. C. Noel, this day personally appeared before me and made oath that the facts stated in the foregoing bill are true so far as they depend upon his own knowledge, and so far as they depend upon the information derived from others he believes them to be true, and that Wm. Tharp and Sarah Tharp are not residents of the State of Virginia.

Given under my hand this the 2nd day of Jan. 1906.

A. O. Brown N. P.



P. M. Ball Adm'r &c.  
vs Bill in Chancery.  
Wm Sharp et al.

Filed January 2, 1906.  
H. L. Ewing,  
Clerk.

1906. Jan. 2 O.P.  
" 2<sup>nd</sup> Jan Rules  
Spa. executed on Deft.  
Frank Sharp & Samuel  
Sharp & D. N.  
" 1<sup>st</sup> Feb. Rules. D. N.  
Confirmed & O.P. complet-  
ed & D. N. vs. Wm Sharp &  
Sarah Sharp  
" 2<sup>nd</sup> Feb. Rules  
D. N. vs same con-  
firmed  
" 2<sup>nd</sup> Sept Rules.  
Amended Bill filed  
& cause set for hear-  
ing plaintiff



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for  
Lee County, Virginia:

Humbly complaining, your orator, P. M. Ball, administrator of  
the estate of Mary Barker, deceased, would respectfully represent and  
show unto your honor that on the 2nd day of January, 1906, he filed  
in this honorable court his original bill against Wm. Tharp and others,  
which original bill he now desires to amend by leave of the court, so  
that the same shall read as follows: That on or about the fourth day  
of May, 1893 the said Mary Barker, now deceased, and in her life time  
conveyed a certain strip or parcel of land situated and being in Lee  
County, Virginia in the Wallen's Creek country on the waters of Dry  
Creek, to ~~wone~~ Wm. Tharp in consideration of the sum of \$1.00 in hand  
paid, and the further consideration that the said Wm. Tharp <sup>should</sup> support  
the said Mary Barker so long as she should live. A certified copy  
of which deed is herewith filed as part hereof marked "A"; and on  
the very same day and year the said Wm. Tharp and Sarah Tharp, his wife,  
conveyed the said strip or parcel of land to one L. Turner Maury, for  
and in consideration of the sum of \$400.00 cash in hand paid/ a copy  
of which said deed is herewith also filed as part hereof marked "B".

Your orator will further represent and show unto your honor,  
that from the time of the execution of the deed first aforesaid too  
thesaid Wm. Tharp, to wit; on the fourth day of May, 1893 up to  
the time of the death of the said Mary Barker, which occurred in the  
year 1904 or in the early part <sup>of the</sup> year 1905. The said Mary Barker  
~~was~~ a pensioner of the Government of the United States of America,  
and as such pensioner she drew at least \$12.00 during each and  
every month of the said time, besides the sum of \$ \_\_\_\_\_ drawn  
by her at the beginning of her ~~said~~ pension; that all or practically  
all of said pension money was wrongfully taken possession of and used  
by the said Wm. Tharp for his own benefit; that at the time of the  
execution and delivery of the deed first aforesaid and from that time  
up to the time of the death of the said Mary Barker, she was a very



old woman, feeble in body and mind, and in fact was a lunatic, and incompetent and incapable in law of making a deed or transacting any business legally; that ~~she~~ at the time the said first mentioned deed was made, and up to the time of her death the said Wm. Tharp knew of the weak and feeble condition of the mind of the said Mary Barker and that he fraudulently took advantage of her feeble and incompetent condition of mind and enticed her to make to him the said deed first aforesaid, and to allow him to take charge of and use the pension money aforesaid.

Your orator will now further show unto your honor that instead of the said Wm. Tharp supporting and maintaining the said Mary Barker during her life time, that in reality the said Wm. Tharp received support and maintenance largely from the said pension money belonging to the said Mary Barker, and long before her death abandoned and deserted her, and left her to live upon her own resources, and the charity of her friends and neighbors, and also appropriated to his own use and benefit the \$400.00 received by him from the said L. Turner Maury for the first <sup>maintained</sup> tract of land.

That on the 23rd day of January, 1904 one Joseph H. Brewer and Mattie Brewer his wife conveyed unto the said Wm. Tharp and Sarah Tharp his wife in consideration of the sum of \$250.00 a certain tract or parcel of land, situated and being near the town of Dryden, Lee County, Virginia, and described and bounded as follows: to-wit: Beginning at a stake at the Northwest corner of the R. T. Williamson's line, and on the east line of the town plat, or outlay for the town of Dryden, Lee County, Virginia; thence, running northwardly with said line or town plat for a distance of 235 feet to a stake in a pond of water, and on said town plat line; thence, eastwardly parallel with the Louisville & Nashville Railroad, and also parallel with the south line of Charlie Warholm's land for a distance of 170 feet to a stake; thence, southwardly at a right angle with the said railroad and said Warholm's line for a distance of 235 feet to a stake on R. T. William-



son's north line, thence, with said Williamson's line for a distance of 170 feet to the beginning. A certified copy of which deed is here filed as part hereof marked "C"; that the last mentioned tract or parcel of land is still owned by the said Wm. Tharp and Sarah Tharp, and was purchased as your orator is informed and believes with a portion of the money received by the said Wm. Tharp from the pension money belonging to the said Mary Barker, deceased, and the proceeds of the sale of the tract of land herein first before mentioned.

Your orator will now further show unto your honor that the said Wm. Tharp and Sarah Tharp are non-residents of the state of Virginia, and the premises considered your orator is advised and avers that he is entitled to judgment against the said Wm. Tharp for the amount of the pension money that he has received and appropriated to his own use, amounting to at least \$1000.00, belonging to the said Mary Barker, deceased, and for the said sum of \$400.00 received by the said Wm. Tharp for the said tract of land sold by him to the said Maury. ~~as~~ aforesaid. And that he is entitled to have the last mentioned lot or parcel of land situated at or near Dryden Virginia, attached for the amount of the said two sums due your orator as aforesaid as the administrator of the said Mary Barker, deceased.

The prayer, therefore, of your orator is, that the said Wm. Tharp and Sarah Tharp be made parties defendants to this ~~bill~~ amended bill/ and be required to answer the same, but not under oath, that being waived, that the estate of the said Wm. Tharp and Sarah Tharp in this county and particularly the tract of land last aforesaid, and described, be attached; that a proper ~~proceed~~ <sup>process</sup> be issued; all proper orders and decreed entered, and an order of publication made against the said Wm. Tharp and Sarah Tharp who are non-residents of this state, and that upon a hearing your orator be given judgment against the said Wm. Tharp for the said sum of \$400.00 on account of his failure to support and maintain the said Mary Barker, as he was required to do under the said first mentioned deed; and also for the amount of \$1000.00



the pension money that he has wrongfully appropriated to his own use and benefit belonging to the estate of the said Mary Barker, deceased, and which he has failed to account for in any manner/, and that unless the said sums of money be paid that the said tract or parcel of land mentioned and described in exhibit "C" be sold and the proceeds applied to the payment of your orator's said claim, and that Frank Tharp and Samuel Tharp who are the heirs of the said Mary Barker be also made parties to this bill and be required to answer the same, ~~but~~ not under oath that being waived, and that all such other, further, and general relief be granted your orator as in the premises may be just and equitable. And he will ever pray &c.

Or & Nail. p.g.



P. M. Ball, Adm'r. &c.  
vs. } Amended Bill  
Wm. Mark, et al.

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Filed Sept 21, 1906,  
at 9:30 o'clock A.M.  
J. C. J. Ewing,  
Clerk.



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Humbly complaining, your orator, P. M. Ball, administrator of the estate of Mary Barker, deceased, would respectfully represent and show unto your honor, that on the 2nd day of January, 1906, he filed in this honorable court his original bill against Wm. Tharp, Sarah Tharp, L. Turner Maury, Frank Tharp, and Samuel Tharp. The object of which original bill is fully set forth therein, and which original bill is here reiterated and made a part of this amended bill as fully as if here copied and inserted at length and in full.

Since the filing of said original bill, your orator has learned that the said L. Turner Maury had departed this life, leaving as his heirs at law, Henry T. Maury, and C. W. Maury~~re~~ brothers of the said decedent, and Mrs. Jane E. Richmond, a half sister of the said decedent and her husband G. G. Richmond; also the following children of Mrs. Windon Kemp a half sister of the said decedent, to-wit, L. Maury Kemp, and Annie Perrin Kemp, to whom his estate descended.

The object therefore of this amendment to the original bill is to make the said heirs at law of the said L. Turner Maury also parties defendants to this bill, and your orator prays that the said heirs of the said L. Turner Maury, together with the defendants to the original bill, to-wit, Wm. Tharp, Sarah Tharp, Frank Tharp, and Samuel Tharp, be made parties to the said original and this amended bill, and required to answer the same, but not under oath, answer under oath being expressly waived and that the said L. Maury~~re~~Kemp and Annie Perrin Kemp, who are infants, answer the same by guardian ad litem to be appointed for them; and that upon a hearing the relief prayed for in the original bill as well as this amendment be granted your orator, together with all such other, further and general relief as may be suited to the case. And your orator will ever pray &c.

Chas. A. Ball, Jr.



P. M. Ball Schurrc  
vs Amended Bill  
Wm Thank et als.

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Filed at 2nd Sept Rules  
1906.

N. C. J. Ewing,  
clerk.



Circuit Court of Lee County  
P. M. Ball Admin &c  
vs.  
Wm Sharp et al

Demurrer of Henry J. Maury et al.

Defendants Henry J. Maury and  
L. W. Maury, say the bill in  
the above cause is not sufficient  
in law, and they therefor  
demur thereto. And for grounds  
of demurrer defendants say  
first; That the bill shows plain-  
tiff has no lien on the land  
conveyed by Sharp to H. J. Maury  
second; That the Bill is multi-  
farious.

Third: That there is a misjoinder  
of defendants.

Fourth. Court of Equity has  
no jurisdiction

Fifth. The administrator  
has no right to sue in  
to set aside decors.

Ballie & Kelly  
Attys.



P. M. Ball Admin<sup>r</sup>

vs. Z. DeMunn

Wm. Thayer et al

Filed Sept. 18 1906

H. C. Deering.  
Clerk.



P. M. Ball admits Petff } <sup>no.</sup>   
 ~~Shu~~ Sharp it al drafts } <sup>order</sup>

On the calling of this  
cause, it was suggested by  
the plaintiff that it was  
improperly on the docket;  
and on the <sup>motion of</sup> ~~it ordered that~~ the plaintiff <sup>this case</sup>  
and the attachment ~~send~~  
out in this cause be  
and the same are here-  
by dismissed and  
stricken from the docket.



P. M. Balladine

no. } Deener  
Fried

The Imperial

Entered in C.O.B.  
# 8, page 340

Entered in

Dec. 9th 1907

H. A. S. S. S.







Entered  
J. A. Washburn

Entered in C. O. B.  
No. 8, page 215.



Ex parte - Court of Lee County  
P. M. Bell Plaintiff  
vs. J. Deane

Now Thayer et al

This cause came on to  
be heard on <sup>the day for hearing</sup> the ~~defence~~ of  
Henry Maw and Chas<sup>W</sup> Maw  
to the bill therein, and was  
argued by counsel. On con-  
sideration thereof whereof it  
is adjudged ordered and de-  
creed that said decree  
be and it is being sustained  
and said bill dismissed,  
as to said Henry J. and  
Chas<sup>W</sup> Maw, and the court  
being further of the opinion  
that the dismissal of said  
bill as to Henry J. and Chas<sup>W</sup>  
Maw necessitates the dismissal  
thereof as to Mrs. Jane E.  
Richmond, G. Maw Kemp  
and Anne Perrin Kemp et  
al so ordered. And it is  
further ordered that said  
Henry J. Maw and G. W.  
Maw pay of the plain-  
tiff the costs in this be-  
half expended.



P. M. Ball  
Adm.  
vs. } Decree

Wm. Thayer et  
al

Entered this  
Sept 18. 1806,  
J. A. W. S. W.

Entered in C. B.  
# 8, page 200-



Wm. M. Tharp and Sarah Tharp,  
ads.

P. M. Ball, Admr., et als.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County"

The said defendants, Wm. & Sarah Tharp by counsel appear to the attachment sued out, and levied in this case upon a certain lot of land near the town of Dryden, and moved the Court to quash said attachment and the return of the officer thereon:

1. BECAUSE the allegations of the plaintiff's bill is not in conformity with the requirements of sections 2959 & 2963 of the Code, in respect to (a) what sum of money the plaintiff intends to allege that the defendants are indebted to him and (b) and that any sum is justly due and owing to the plaintiff.

2. BECAUSE the attachment issued in this case is not made returnable to a term of the court in which this suit is pending, nor to some rule day thereof as is required by section 2965 of Code;

3. BECAUSE the order of publication in this case was posted at the front door of the court house and the publication thereof begun in the Jonesville Star on the 2nd day of January, 1906, as shown by the certificate of the clerk of this court and J. C. Boatright, editor of the Jonesville Starx filed in this case, and BEFORE the attachment in this case was returned executed by the officer, - the return of the officer showing the levy of the attachment not to have been made until January, 11th, 1906.

See section 2979 of Code and Pretty Vs. Frick, 86 Va., 501.

4. BECAUSE of various other reasons apparent on the face of the papers in this case.

Duncan & Erickson

Birmingham Bros.



Wm. Barch Sharp

add. notation to  
quash  
attachment

P. M. Baccadum

Filed Sept. 18<sup>th</sup> 1906

J. H. P. Ewing,  
Clerk.



IN THE CIRCUIT COURT OF LEE COUNTY, VA.

P. M. Ball Admr. &c.

vs.

Wm. Tharp and others,

State of Virginia, Lee County, to-wit:

This day personally appeared before me, A. O. Brown, a Notary Public in and for the County and State aforesaid, J. C. Noel Attorney for the plaitniff in the above styled cause, ~~this day personally appeared before me in my said county~~, and made oath that a suit in equity has been instituted in the said court by the said plaintiff to recover against the said defendants Wm. Tharp and Sarah Tharp the sum of \$1400.00 with interest from the date of the institution of said suit, which sum at the least the affiant believes the plaintiff is entitled to and ought to recover in said action, and that the plaintiff's said claim is believed to be just, and that the defendants are not residents of this state, and that they have estate in this county and state.

Given under my hand this the 21<sup>st</sup> day of September, 1906.

A. O. Brown N.P.



P. M. Baell Schurde  
os } Affidavit  
3 }  
Wm. Thaspe et al.



This deed made the 4th day of May in the year one thousand and eight and 93 between Mary Barker of the County of Lee Virginia party of the first part, and William Tharp also of Lee County of the second part, Witnesseth. That ~~forxxx~~ in consideration of the sum of one Dollar (1.00) paid cash in hand the receipt of which is hereby acknowledged by the said first party and for other good and valuable consideration deemed of value by the said <sup>first</sup> party to wit: the agreement to support the said first party so long as she shall live, the said first party has bargained and sold and doth hereby grant and convey with general warranty of title unto the <sup>said</sup> second party all that tract or parcel of land lying and situated in the said county of Lee being the same conveyed to the said first party by George W. Barker and Fanny Barker recorded in Lee county clerks office in D. B. 21 Page 500 said deed bearing date on the 4th day of April 1885 and to it reference here being made for a description of said tract which is bounded and described as follows to wit: Commencing on a poplar in the forks of a branch tributary to Dry creek thence a North westerly course up the west fork of said branch and from its source straight forward a Straight ~~xxxxxx~~ line to George Tanksley's line thence Eastwardly with said line to wherethe said line crosses the other prong of said branch thence down said prong or fork of said branch to the beginning, containing fifty acres be it more or less. The said first party covenant that she has the right to convey the said land to the said land to the grantee, that she has done no act to encumber the said land, that the grantee shall have quiet possession of the said land free from all encumbrances and that the said party of the first, <sup>part</sup> will execute such further assurances of the said land as may be requisite, Witness the following signatures and seals.

Test J. B. Pennington.

her  
Mary X Barker (seal)  
mark

State of Virginia County of Lee To wit:

I, A. J. Litton a Justice of the peace for the county aforesaid in the State of Virginia do certify that Mary Barker whose name is signed to the within writing bearing date on the 4th day of May 1893 has acknowledged the same before me in my county aforesaid . Given



under my this the 4th day of May 1893.

A.J. Litton J.P.

County of Lee State of Virginia To wit:

In the office of the Clerk of the county court for the county  
the 8th day of May 1893. this deed was presented, and with certificate  
annexed, admitted to record a 8 Oclock A. M. . . .

Teste John R. Gibson Clerk.

A Copy Teste: H. L. T. Ewing, Clerk.

(D.B.29, P. 239 &c. )



William Thark  
From & Deed  
Mary Barker

---

Copy

"A"

Clark 504



This Deed, Made the 4th day of May in the year one thousand eight hundred and ninty three William Tharpe and Sarah C. Tharpe his wife of Lee County Virginia parties of the first part and L. Turner Maury of the second part. Witnesseth. That in consideration of the sum of Four hundred dollars (\$400.00) paid cash in hand the receipt of which is hereby acknowledged by the said first parties the said first parties have bargained and sold and hereby grant and convey with General Warranty of title to the said second party the following tract or parcel of land lying and being in the county of Lee Virginia, on the head waters of "Dry Branch" it being the same tract of land sold to said William Tharpe by (Polly) Mary Barker it having been sold to Mary Barker by George W. Barker et ux. by deed bearing date on the 4th day of April 1885 recorded in Lee County Clerk's office in D. B. 21 P. 500 to which reference is here made said tract lying and being in the said county of Lee State of Virginia and being the tract known as the "Pop Baker" tract it being bounded and described as follows to wit: commencing on a poplar in the Fork of a branch tributary to Dry Creek ~~creek~~ thence a Noth westerly course up the west fork of said branch and from its source straight forward a straight line to George Tanksley's line thence Eastwardly with said line to where the said line crosses the East fork of said Branch thence down said fork to the beginning containing fofty acres be it ~~the same~~ more or less. The first parties covenant that they have the right to convey the said land to the grantee: that they have done <sup>not</sup> no, to encumber the said land; that the grantee shall have quiet possession of the said land free from all encumbrances and that the said parties of the first part, will execute such further assurance of the said land as may be requisite. Witness the following signatures and seals.

Test	William Tharp	(seal)
	her	
J. B. Pennington.	Sarah C. X Tharp	(seal)
	mark	

State of Virginia County of Lee. To, wit:-

I, A. J. Litton a Justice of the peace for the county afore-  
*in the State of Virginia*  
said do certify that William Tharpe and Sarah C. Tharpe whose names



are signed to the to the with\_in writhin writing . bearing date on the 4th day of April 1893 have acknowledged the same before me in my county aforesaid . Given under my hand this the 4th day of May 1893.

A. J. Litton J. P.

Justice of the Peace for Lee County  
County of Lee State of Virginia. To wit:-

In the office of the county court for the said County the 8th day of May 1893, this deed was presented, and with certificate annexed admitted to record at 8 O'clock A. M.

Teste John R. Gibson Clerk.

A Copy Teste: H. C. T. Ewing, Clerk.

(D.B. 29, P. 240 &c.)



L. Turner Maury  
From { Deed  
William Sharp et ux

Copy

"B"

Clerk 50¢

County of ... State of ...  
The ... of ...  
...

...

...



Virginia, in the Circuit Court for Lee County, to-wit:

P. M. Ball, Admr. &c.

vs.

Wm. Tharp, et al.

*Plaintiff*  
*Defendants* } *In Chancery.*

The general purpose of this suit is to set aside and annul a deed made from Mary Barker to Wm. Tharp, on the 4th day of May 1893 conveying a certain tract or parcel of land situated in Lee County, Virginia on the waters of Dry Creek, which said deed is of record in the Clerk's Office of Lee County, Virginia in deed book 39 page 239, and to which deed reference is here made for a more particular description of said tract of land herein mentioned and described; and also to set aside a deed from the said Wm. Tharp and Sarah Tharp his wife to one L. Turner Maury for the tract of land aforesaid, which deed is of record in the Clerk's office of Lee County, Virginia in deed book 39 page 240; and also to attach and sell a certain tract or parcel of land situated and being in Lee County, Virginia near the town of Dryden, and which was conveyed by deed on the 23rd day of January, 1904, by Joseph H. Brewer and Mattie Brewer to Wm. Tharp and Sarah Tharp, and in the Clerk's Office of Lee County, Va. which said deed is of record in deed book 42 page, 39 and to which reference is hereby made for a more particular description of the last mentioned tract of land, to the satisfaction of the plaintiff's claim set forth in the bill filed in this cause. The proceedings in this suit is intended to effect not only the right of said Wm. Tharp and Sarah Tharp and L. Turner Maury in the tract or parcel of land aforesaid, but also to effect the right claim and interest of any party to the land aforesaid.

Witness the following signature, this the 2nd day of January, 1906.

*P. M. Ball, Admr. &c.*  
*By James W. Orr, atty.*

Virginia, Lee County, to-wit:-

I/ A. O. Brown, a notary public in and for the County and state aforesaid, do hereby certify that James W. Orr, attorney



for P. M. Ball administrator &c. and whose name is signed to the above writing bearing date of the 2nd day of January, 1906, has acknowledged the same before me in my County aforesaid.

Given under my hand this the 2nd, day of Jan. 1906.

My Commission expires \_\_\_\_ day of May 190

A. O. Brown N.P.

Virginia, Lee County, to-wit:

In The Clerk's Office of Lee County, on this the 20th day of January, 1906. This Lis pendens was presented, and together with the certificate annexed, admitted to record at 2 o'clock P.M.

Teste: H. E. T. Ewing, Clerk,



P. M. Ball Shurte.  
vs { Lis pendens.  
Jm Sharp et al.

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Jan 20, 1906.

Recorded in Deed  
Book No 43 page  
401 Examined Jan.  
24, 1906.

Indexed



Virginia, in the Circuit Court for Lee County, to-wit:

P. M. Ball, Admr. &c.

Plaintiff.

vs.

In Chancery.

Wm. Tharp, et al,

Defendants.

The general purpose of this suit is to recover judgment in favor of the plaintiff against the defendant Wm. Tharp for the sum of \$1400.00 and interest thereon, and to attach and sell to satisfy said judgment, a certain tract or parcel of land situated and being in Lee County, Virginia, near the town of Dryden, Virginia, and which was conveyed by deed on the 23rd day of January, 1904, by Joseph Brewer and Mattie Brewer to Wm. Tharp and Sarah Tharp, and which said deed is of record in the clerk's office of Lee County, Va., in deed book 42 page 29, and to which deed reference is here made for a more particular description of the said tract or parcel of land. The proceedings in this suit are intended to effect the interest and right of the said Wm. Tharp and Sarah Tharp in the said tract or parcel of land.

Witness the following signature, this the 21st, day of September, 1906.

*P. M. Ball, Admr. of Mary Barker's estate*  
*By James W. Orr, his atty.*

Virginia, Lee County, to-wit:

I/ A. O. Brown a notary public in and for the County and state aforesaid, do hereby certify that James W. Orr, Attorney for P. M. Ball/ Administrator &c. and whose name is signed to the above writing bearing date on the 21st day of September 1906, has acknowledged the same before me in my county aforesaid.

Given under my hand this the 21st day of September, 1906.

Virginia, Lee County, to-wit:

*A. O. Brown* N.P.

In the Clerk's Office of Lee County, on this the 21st day of September, 1906. This Lis pendens was presented, and together with the certificate annexed, admitted to record, at 3:15 o'clock P.M.  
Teste: *H. C. P. Ewing*, Clerk.



Sept. 21 3.12.9.

P. M. Ball Schurrc.  
vs { 2nd Lis pendens.  
The Sharp et al

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Filed for record  
Sept. 21st, 1906, at  
3:15 o'clock P.M.  
H.C. G. Ewing,  
Clk.

Recorded in D.B.  
44, page 523.  
Examined Oct. 1, 1906

Indexed -

ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE PUBLISHER.



In the Clerk's Office of the Circuit Court of the county of Lee, on the 2<sup>nd</sup>

day of January, 1906

P. M. Ball Adm'r of the estate of  
Mary Barker

against

Plaintiff

Wm Sharp et al

Defendant

The object of this suit is to set aside and annul the deed made by Mary Barker in her lifetime to Wm Sharp on the 4<sup>th</sup> day of May, 1893, and to set aside and annul the deed made by the said Wm Sharp and Sarah Sharp his wife to L. Turner Maury on the 4<sup>th</sup> day of May, 1893, for the same land, also to attach and sell a certain tract or parcel of land conveyed by Joseph L. Brewer and Mattie Brewer to Wm Sharp & Sarah Sharp, on the 23<sup>rd</sup> day of January, 1904, near Dryden Virginia, to satisfy the plaintiff's demands contained in his bill

And an affidavit having been made and filed that the defendant Wm Sharp & Sarah Sharp are

not residents of the State of Virginia, it is ordered that they do appear here within fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is

further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star

and that a copy be posted at the front door of the Courthouse of this county as prescribed

by law.

A copy—Teste:

Orv & Noel

p. q.

J. H. Ewing,

Clerk.



*P. M. Ball Adm. for re*

vs.

}

ORDER OF  
PUBLICATION

*J. M. Sharp et al.*

Virginia, Lee County, to-wit:

I, J. C. Tewing, Clerk of  
The Circuit Court for the  
County aforesaid, in the  
State of Va., do certify that  
I posted a true copy of  
the within order of pub-  
lication at the front door  
of the Court House on this  
day as required by law.

Given under my hand  
This the 2<sup>nd</sup> day of Jan-  
uary, 1906.

J. C. Tewing, Clerk.



And I have executed the attachment endorsed on the within writ of P. M. Ball Admr. &c. against Wm. Tharp and others, by levying the same on a certain small tract or parcel of land belonging to Wm. Tharp and Sarah Tharp his wife, situated and being near the town of Dryden, Lee County, Virginia, and described and bounded as follows, to-wit: Beginning at a stake at the Northwest corner of R. D. Williamson's line, and on the east line of the town plat or out lay for the town of Dryden, Lee County, Virginia; thence running Northwardly with said line or town plat for a distance of 235 feet to a stake in a pond of water, and on said town plat line; thence eastwardly parallel with the Louisville & Nashville Railroad and also parallel with the south line of Charles Warholm's land for a distance of 170 feet to a stake; thence southwardly at a right angle with the said railroad and said Warholm line for a distance of 235 feet to a stake on R. L. Williamson's north line; thence with said Williamson's line for a distance of 170 feet to the beginning, containing \_\_\_\_\_ acres more or less.

This 11th day of January, 1906.

*C. E. Henry U. S.*  
*for P. M. Ball S. L. C.*



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *William Tharp, Sarah Tharp, Frank Tharp, Samuel Tharp, and L. Turner Maury*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *3<sup>rd</sup>* Monday in *Jan.*, 190*6*, to answer a bill in chancery exhibited against *them* by *P. M. Ball, Adm. of the estate of Mary Barker, Decd.*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *2<sup>nd</sup>* day of *Jan.*, 190*6*, and 1*30<sup>th</sup>* year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk.

*H. C. T. Ewing*, Clerk.



further Executed By Delivering  
 a true copy of the within process  
 to J. M. Ball, this Jan 12 day 1906  
 C's stipulation D's for J. M. Ball  
 S. & C.  
 the other party execute Dec  
 1905

P. M. Ball, Admin. for C.

VS

SUBPOENA  
 IN  
 CHANCERY.

Wm Sharp et al

Or & Noel p. q

To 2<sup>nd</sup> January, Rules.

Lee Circuit Court.  
1906.

Executed By Delivering  
 a true copy of the within  
 writ to said Sharp  
 this the 11<sup>th</sup> day of Jan. 1906  
 for P. M. Ball, C. E. Henry S.  
 S. & C.

The proper affidavit having been made, it is  
 ordered that the officer who serves the within at-  
 tachment do attach the estate of the defendant Wm.  
 Sharp and Sarah Sharp, and the same in his hands  
 so attached, so as to secure and provide that the  
 same may be forthcoming and liable to the future  
 order of the court.  
 Given under my hand this the 2nd, day of  
 Jan. 1906.

Wm. E. Dunning, Clerk.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *William Tharp, Sarah Tharp, Frank Tharp, Samuel Tharp, and L. Turner Maury*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *3<sup>rd</sup>* Monday in *Jan.*, 190*6*, to answer a bill in chancery exhibited against *them* by *P. M. Bell Admr. of the estate of Mary Barker, Decd.*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *2* day of *Jan.*, 190*6*, and 130<sup>th</sup> year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk.

*H. C. T. Ewing*, Clerk.



The proper affidavit having been made, it is ordered that the officer who serves the within attachment do attach the estate of the defendants Wm. Tharp and Sarah Tharp and the same in his hands so attached so as to secure and provide that the same may be forthcoming and liable to the future order of the court.

Given under my hand this the 2nd, day of January, 1906.

A Copy Test: *H. T. Ewing, Clerk,*  
*H. T. Ewing, Clerk,*

*P. M. Ball, Admin'r.*

VS }  
SUBPENA  
IN  
CHANCERY.

*William Tharp et al*

*Ans & Gd.* p. q

To *2nd Jan* Rules.

*L. E. Ewing* Court.  
*1906*

*Copy for L. Ewing*  
*Mary*

*Mary not served*



THE COMMONWEALTH OF VIRGINIA..

To the sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon William Tharp, Sarah Tharp, Frank Tharp, & Samuel Tharp. to appear at the clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the First Monday in October, 1906, to answer a bill in Chancery exhibited against them by P. M. Ball administrator of the estate of Mary Barker deceased. And have them there this writ.

Witness H. C. T. Ewing, Clerk of our said court at the courthouse, the ~~27th~~ day of September, 1906. and 131st, year of the Commonwealth.

A Copy Teste:

H. C. T. Ewing, Clerk.

\_\_\_\_\_  
Clerk.

The proper affidavit having been made as required by law, it is hereby ordered that the officer, to whom the above writ is directed, do attach <sup>Wm. Tharp & Sarah Tharp in this county,</sup> the estate of the defendants, especially the following estate, to-wit: A certain small tract or parcel of land belonging to Wm. Tharp and Sarah Tharp, his wife, situated and being near the town of Dryden, in Lee County, Virginia, and described and bounded as follows to-wit: Beginning at a stake at the Northwest corner of R. L. Williamson's line, and on the east line of the town plat or outlay for the town of Dryden, Lee County, Virginia; thence, running northwardly with said line or town plat for a distance of 235 feet to a stake in a pond of water, and on said town plat line; thence, eastwardly parallel with the Louisville & Nashville Railroad, and also parallel with the south line of Charles Warholm's land for a distance of 170 feet to a stake; thence, southwardly at right angles with the said railroad and said Warholm line for a distance of 235 feet to a stake on R. L. Williamson's north line; thence, with said Williamson's line for a distance of 170 feet to the beginning, containing \_\_\_\_\_ acres more or less., and the same in his hands so attached, so to secure and provide that the same may be forthcoming and liable to the future order of the court.

Given under my hand this the ~~27th~~ day of September, 1906.

Teste:

H. C. T. Ewing, Clerk.



Wm. Sharp et al  
1st Oct. Rules 1906.

This, the 21st day of September, 1906. at 1 o'clock

J. B. Hughes D<sup>r</sup>  
for 30 m Ball  
R L C

I have further executed the attachment and now in  
this suit by delivering an affidavit of execution of the said  
writ and by attaching to it a paper bearing the names in  
possession of the tract of land belonging to the heirs &  
Sarah Sharp his wife situated and being near the town  
of Dryden Lee county Va, and on which the parcel attacked  
must now be levied by me on yesterday. This I plan to  
do on 29th Oct. at 6 o'clock P. M. Not executed on the  
29th & Sarah Sharp they being nonresidents of the  
State.



## Order of Publication.

In the Clerk's Office of the circuit Court  
of the county of Lee, on the 2nd day  
of January, 1906.

P. M BALL, Administrator of the estate  
of Mary Barker, deceased.

Against

Wm. THARP, et al.

In Chancery.

The object of this suit is to set aside  
and annul the deed made by Mary Barker  
in her lifetime, to Wm. Tharp, on the 4th  
day of May, 1893, and to set aside and an-  
nul the deed made by the said Wm. Tharp  
and Sarah, his wife, to L. Turner Maury  
on the 4th day of May, 1893, for the same  
land, also to attach and sell a certain tract  
or parcel of land conveyed by Joseph  
Brewer and Mattie Brewer to Wm Tharp  
and Sarah Tharp on the 22rd day of Janu-  
ary, 1904, near Dryden, Virginia, to satis-  
fy the plaintiff's demands contained in his  
bill, and an affidavit having been made  
and filed that the defendant Wm. Tharp  
and Sarah Tharp are not residents of the  
State of Virginia, it is ordered that they  
do appear here within fifteen days after  
due publication hereof, and do what may  
be necessary to protect their interest in  
this suit. And it is further ordered that  
a copy hereof be published once a week  
for four weeks in the Jonesville Star and  
that a copy be posted at the front door of  
the courthouse of this county as prescribed  
by law.

A copy --Teste

H. C. T. EWING, Clerk

ORR & NOEL, p. q.



P. M. Ball, Admr.-----

vs { In Chancery-----

Wm. Tharp et al.-----



I, J. C. Boatright-----, editor  
of The Jonesville Star, a weekly newspaper  
published in the county of Lee, state of Virginia,  
do hereby certify that the enclosed notice was  
published in said paper once a week for four  
successive weeks, commencing on the 4th---  
day of January-----1906--

J. C. Boatright, Editor.

FEE \$2.00----